

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

Claude M. Stern (Bar No. 96737)

[claudestern@quinnemanuel.com](mailto:claudestern@quinnemanuel.com)

Margret M. Caruso (Bar No. 243473)

[margretcaruso@quinnemanuel.com](mailto:margretcaruso@quinnemanuel.com)

Bobbie Eftekar (Bar No. 240102)

[bobbieeftekar@quinnemanuel.com](mailto:bobbieeftekar@quinnemanuel.com)

555 Twin Dolphin Drive, Suite 560

Redwood Shores, California 94065-2139

Telephone: (650) 801-5000

Facsimile: (650) 801-5100

Stacy M. Monahan (Bar No. 218942)

[stacymonahan@quinnemanuel.com](mailto:stacymonahan@quinnemanuel.com)

50 California Street, 22nd Floor

San Francisco, California 94111

Telephone: (415) 875-6600

Facsimile: (415) 875-6700

Attorneys for NexTag, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Louis Vuitton Malletier S.A.,

Plaintiff,

vs.

NexTag, Inc.,

Defendants.

CASE NO. 3:07 -cv-03763-MMC

**NEXTAG, INC'S UNOPPOSED MOTION  
TO SHORTEN TIME FOR HEARING ON  
NEXTAG INC'S MOTION TO COMPEL  
DEPOSITION OF LOUIS VUITTON  
MALLETIER S.A.;**

**DECLARATION OF STACY M.  
MONAHAN**

Motion to Compel Deposition of Louis Vuitton  
Malletier S.A. lodged concurrently herewith

Date: April 29, 2008

Time: TBD

Courtroom: TBD

Discovery Cut-Off: July 23, 2008

Pre-Trial Conference: February 3, 2009

Trial Date: February 17, 2009

1 Pursuant to Civil Local Rule 6-3, defendant NexTag, Inc. ("NexTag") hereby files  
2 this unopposed motion to obtain an order shortening time for a hearing on NexTag's noticed  
3 Motion to Compel Deposition of Louis Vuitton Malletier S.A., seeking to compel plaintiff Louis  
4 Vuitton Malletier S.A. ("Louis Vuitton") to produce its witnesses in the forum in which it filed its  
5 lawsuit against NexTag ("Motion"). This motion to shorten time is unopposed by Louis Vuitton.  
6 Declaration of Stacy Monahan filed in support of NexTag, Inc.'s Unopposed Motion to Shorten  
7 Time ("Monahan Decl."), ¶7.

8 Pursuant to the Civil Local Rules and the Court's calendar, the earliest date on  
9 which NexTag's Motion may be heard is May 20, 2008. NexTag requests that the Court hear  
10 NexTag's Motion on April 29, 2008 at a time and place to be determined by the magistrate judge  
11 assigned to hear the motion. If the Court agrees to hear NexTag's Motion on April 29, 2008, then  
12 NexTag further requests that Louis Vuitton's opposition to NexTag's Motion, if any, be due on  
13 April 22, 2008, and NexTag's reply, if any, be due on April 25, 2008.<sup>1</sup>

14 NexTag's Motion seeks to compel Louis Vuitton to produce its designated  
15 witnesses for deposition under Federal Rule of Civil Procedure 30(b)(6) in the forum in which it  
16 filed suit against NexTag. Monahan Decl. ¶4. Louis Vuitton is headquartered in Paris, France,  
17 but has five stores in the Northern District of California alone, and a total of 19 stores throughout  
18 California. Monahan Decl. ¶2. NexTag has noticed Louis Vuitton's 30(b)(6) deposition in  
19 Redwood Shores, California. Louis Vuitton refuses to produce its witnesses in California, citing  
20 the long flight from Paris, and instead requires that the depositions take place in New York.  
21 Monahan Decl. ¶3. The Motion is made on the ground that LV is required to produce its corporate  
22 witnesses in the jurisdiction in which it filed suit and that granting a motion to compel will provide  
23 the least amount of inconvenience to the least amount of parties. Louis Vuitton's witnesses will be  
24 subjected a long flight, air fare and hotel expenses whether the deposition is in New York or

---

25  
26 <sup>1</sup> Louis Vuitton's counsel, J. Andrew Coombs, will be traveling after April 30  
27 and unavailable to attend a hearing scheduled after that date. He therefore requests  
28 that the hearing date be set between April 28 and April 30. Monahan Decl. ¶7.

1 California. NexTag, NexTag's counsel, and Louis Vuitton's counsel are all located in California,  
2 however, and substantial expenses can be avoided if they are not required to travel to New York.  
3 Monahan Decl. ¶2.

4 The Unopposed Motion to Shorten Time is made on the ground that mediation is  
5 scheduled on June 4, 2008, with the parties' mediation submissions due May 21, 2008. Monahan  
6 Decl. ¶5. Moreover, all non-expert discovery closes on July 23, 2008. *Id.* NexTag will be  
7 unfairly prejudiced in its preparation for mediation and trial if its Motion is heard on the regularly  
8 noticed schedule because it will not be able to use the discovery obtained from deposition of  
9 plaintiff's witnesses in mediation, and it will have only a matter of weeks to file any document  
10 requests or notices of additional depositions based on information from plaintiff's 30(b)(6)  
11 deposition prior to the close of discovery. Monahan Decl. ¶6.

12 Pursuant to Local Rule 37-1, counsel for NexTag and counsel for Louis Vuitton  
13 have conferred regarding NexTag's request for Louis Vuitton to produce its witnesses in  
14 California. Counsel for NexTag raised the issue with Louis Vuitton's counsel numerous times  
15 beginning February 27, 2008, up to and including April 14, 2008. Monahan Decl. ¶ 4. On April  
16 14, 2008, Louis Vuitton stated it does not oppose NexTag's motion to shorten time to hear the  
17 Motion on April 29. Monahan Decl., ¶ 7.

18 NexTag seeks resolution of its Motion on an expedited basis so that, if the Motion  
19 is granted, NexTag may notice its depositions well in advance of the discovery deadline of July  
20 23, 2008, and the mediation planned for June 2008. Monahan Decl. ¶6.

21 No previous time modifications have been made in this case other than postponing  
22 the mediation date to allow the parties to pursue discovery. Monahan Decl., ¶8.

23 No modifications to the current schedule would be required if NexTag's instant  
24 motion to shorten time is granted, however, modifications to the current schedule would likely be  
25 required if NexTag's Motion is heard on its regularly noticed schedule. Monahan Decl. ¶ 9.

26 For all the foregoing reasons, NexTag respectfully requests that the Court enter an  
27 Order Shortening Time for the Court to hear NexTag's Motion.  
28

1  
2 DATED: April 14, 2008

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

3  
4 By /s/ Margret Caruso

5 Margret Caruso  
6 Attorneys for Defendant  
7 NexTag, Inc.  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28